

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CYNTHIA JEAN STINSON
1158 Verde Santa Fe Parkway
Cornville, AZ 86325

24 Kent Avenue
Rio Rico, AZ 85648

Registered Nurse License No. **634585**

Respondent

Case No. 2006-155

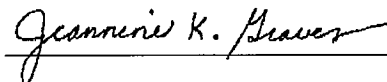
OAH No. 2010040091

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 28, 2010.**

IT IS SO ORDERED **December 28, 2010.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SUSAN MELTON WILSON
Deputy Attorney General
4 State Bar No. 106902
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-4942
6 Facsimile: (213) 897-2804
E-mail: Susan.Wilson@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **CYNTHIA JEAN STINSON**
1158 Verde Santa Fe Parkway
13 Cornville, Arizona 86325

14 24 Kent Avenue
15 Rio Rico, Arizona 85648

16 **Registered Nurse License No. 634585**

17 Respondent.

Case No. 2006-155
OAH No. 2010040091

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18 In the interest of a prompt and speedy resolution of this matter, consistent with the public
19 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
20 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
21 will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.
23

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
26 Board of Registered Nursing. She brought this action solely in her official capacity and is
27 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
28 by Susan Melton-Wilson, Deputy Attorney General.

2. Cynthia Jean Stinson (Respondent) is represented in this proceeding by attorney
Melanie L. Balestra, Law Offices of Cummins & White, LLP, whose address is 2424 S. E. Bristol
Street, Suite 300, Newport Beach, CA 92660-0757.

3. On or about March 17, 2004, the Board of Registered Nursing issued Registered Nurse License No. 634585 to Cynthia Jean Stinson (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on August 31, 2005, and has not been renewed.

JURISDICTION

4. Accusation No. 2006-155 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 25, 2009. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2006-155 is attached as **Exhibit A** and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2006-155. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

1 CULPABILITY

2 8. Respondent does not admit or deny the charges and allegations in Accusation No.
3 2006-155. For the purpose of resolving the Accusation without the expense and uncertainty of
4 further proceedings, Respondent agrees that, at hearing, Complainant could establish a factual
5 basis for the charges in the Accusation and that those charges constitute cause for discipline.
6 Respondent hereby gives up her right to contest that cause for discipline exists based on those
7 charges, and hereby surrenders her Registered Nursing license for the Board's formal acceptance.

8 9. Respondent understands that by signing this stipulation she enables the Board to issue
9 an order accepting the surrender of her Registered Nurse License without further process.

10 CONTINGENCY

11 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
12 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
13 Registered Nursing may communicate directly with the Board regarding this stipulation and
14 surrender, without notice to or participation by Respondent or her counsel. By signing the
15 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
16 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
17 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
18 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
19 action between the parties, and the Board shall not be disqualified from further action by having
20 considered this matter.

21 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
22 License and Order, including facsimile signatures thereto, shall have the same force and effect as
23 the originals.

24 12. This Stipulated Surrender of License and Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
28

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

3 13. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following Order:

5 **ORDER**

6 IT IS HEREBY ORDERED that Registered Nurse License No. 634585, issued to
7 Respondent Cynthia Jean Stinson, is surrendered and accepted by the Board of Registered
8 Nursing.

9 14. The surrender of Respondent's Registered Nurse License and the acceptance of the
10 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
11 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
12 license history with the Board.

13 15. Respondent shall lose all rights and privileges as a Registered Nurse in California as
14 of the effective date of the Board's Decision and Order.

15 16. Respondent shall cause to be delivered to the Board her wall license certificate, if one
16 was issued, and her pocket license on or before the effective date of the Decision and Order.

17 17. If Respondent ever files an application for licensure or a petition for reinstatement in
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
19 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
20 effect at the time the petition is filed, and all of the charges and allegations contained in
21 Accusation No. 2006-155 shall be deemed to be true, correct and admitted by Respondent when
22 the Board determines whether to grant or deny the petition.

23 18. Upon reinstatement of the license, Respondent shall pay to the Board costs associated
24 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
25 in the amount of Thirteen Thousand Seven Hundred Thirty-Nine Dollars and No Cents

26 (\$13,739.00). Respondent shall be permitted to pay these costs in a payment plan approved by
27 the Board.

28
RECEIVED
NURSING BOARD
JAN 12 2007

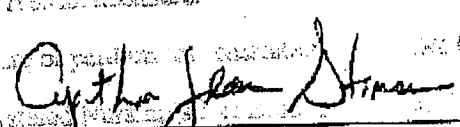
19. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2006-155 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Melanie L. Balestra. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 10/13/2010


CYNTHIA JEAN STINSON
Respondent

I have read and fully discussed with Respondent Cynthia Jean Stinson the terms and conditions and other matters contained in this Stipulated Surrender of License and Order, and approve its form and content.

DATED: 10/13/2010


MELANIE L. BALESTRA
Attorney for Respondent

///
///
///
///
///
///
///

RECEIVED
OCT 14 2010

5

Stipulated Surrender of License (Case No. 2006-155)

NOV 12 10 40 AM '10

RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: October 22, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



SUSAN MELTON WILSON
Deputy Attorney General
Attorneys for Complainant

LA2009602482
60563105.doc

20 OCT 2010 10:10 AM
RECEIVED
SOLICITOR GENERAL'S OFFICE
60563105

Exhibit A

Accusation No. 2006-155

27045 HF410
REF 27045 HF410

300000 12 30 15 50

310000

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106902
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-4942
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2006 - 155

13 CYNTHIA JEAN STINSON
a.k.a. CYNTHIA JEAN CATERSON
14 8201 Camino Media #144
Bakersfield, CA 93311

ACCUSATION

15 Registered Nurse License No. 634585

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs (Board).
22 2. On or about March 17, 2004, the Board issued Registered Nurse License
23 No. 634585 to Cynthia Jean Stinson a.k.a. Cynthia Jean Caterson (Respondent). The Registered
24 Nurse License expired on August 31, 2005, and has not been renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

1 4. Section 2750 provides, in pertinent part, that the Board may discipline any
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 provides, in pertinent part, that the expiration of a license
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
6 licensee or to render a decision imposing discipline on the license. Under section 2811(b), the
7 Board may renew an expired license at any time within eight years after the expiration.

8 6. Section 2761 states, in pertinent part:

9 “The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for any of the following:

11 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 “(1) Incompetence, or gross negligence in carrying out usual certified or licensed
13 nursing functions.

14

15 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
16 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
17 Nursing Practice Act] or regulations adopted pursuant to it. . . .”

18 7. Section 2725 states, in pertinent part:

19

20 “(b) The practice of nursing within the meaning of this chapter [the Nursing
21 Practice Act] means those functions, including basic health care, that help people cope with
22 difficulties in daily living that are associated with their actual or potential health or illness
23 problems or the treatment thereof, and that require a substantial amount of scientific knowledge
24 or technical skill, including all of the following:

25 “(1) Direct and indirect patient care services that ensure the safety, comfort,
26 personal hygiene, and protection of patients; and the performance of disease prevention and
27 restorative measures. . . .”

28 8. California Code of Regulations, title 16, section 1442, states:

1 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
2 departure from the standard of care which, under similar circumstances, would have ordinarily
3 been exercised by a competent registered nurse. Such an extreme departure means the repeated
4 failure to provide nursing care as required or failure to provide care or to exercise ordinary
5 precaution in a single situation which the nurse knew, or should have known, could have
6 jeopardized the client's health or life."

7 9. Penal Code section 368, subdivision (b)(1), states:

8 "Any person who knows or reasonably should know that a person is an elder or
9 dependent adult and who, under circumstances or conditions likely to produce great bodily harm
10 or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon
11 unjustifiable physical pain or mental suffering, or having the care or custody of any elder or
12 dependent adult, willfully causes or permits the person or health of the elder or dependent adult
13 to be injured, or willfully causes or permits the elder or dependent adult to be placed in a
14 situation in which his or her person or health is endangered, is punishable by imprisonment in a
15 county jail not exceeding one year, or by a fine not to exceed six thousand dollars (\$6,000), or by
16 both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four
17 years."

18 10. Section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations
20 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 FIRST CAUSE FOR DISCIPLINE

23 (Gross Negligence)

24 11. Respondent is subject to disciplinary action under section 2761,
25 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about May 9, 2004,
26 and on or about May 10, 2004, Respondent, while on duty as a registered nurse at Bakersfield
27 Memorial Hospital's Memorial Center, Bakersfield, California (Memorial Center), was grossly
28 negligent as follows:

1 a. On or about May 9, 2004, at about 1630 hours, Patient H.L., a 59-year old
2 female with bi-polar disorder, was admitted to Memorial Center as a psychiatric patient because
3 of bizarre and suicidal behavior. Patient H.L.'s physician ordered every 15-minute safety checks
4 ("safety checks") to be performed for Patient H.L.

5 b. On or about May 9, 2004, and May 10, 2004, in the normal course of her
6 work as a registered nurse, Respondent was assigned to care for H.L..

7 c. According to entries made by Respondent in Patient H.L.'s "Intensive
8 Treatment Record" for the dates in question, Respondent regularly performed the required
9 safety checks on the patient between 2200 hours on May 9, 2004, through 0530 hours on May
10 10, 2004.

11 d. However, based on review of surveillance camera video tape, Respondent
12 falsified numerous entries in the "Intensive Treatment Record." Specifically, based on the video
13 tapes, Respondent *failed to complete any safety checks* at approximately 0115, 0130, 0220, 0245,
14 0300, 0345, 0415, and 0430 on May 10, 2004, despite notations to the contrary.

15 Surveillance camera video tapes show that Respondent did complete and
16 accurately note safety checks which occurred at approximately 2323 and 2338, on May 9, 2004,
17 and at 0407 on May 10, 2004.

18 e. On or about May 10, 2004 at 0440, patient H.L. was discovered
19 unresponsive. with no respirations and faint pulse. She was subsequently pronounced dead, due
20 to "cardiac failure due to pericardial effusion and hypertensive cardiovascular disease."

21 f. A subsequent Department of Health Services investigation concluded that
22 "it cannot be known if proper monitoring would have changed the outcome for this patient, but
23 the plan of care for this patient was not implemented."

24 g. Respondent committed repeated acts of gross negligence by each failure
25 to provide a safety check in accord with Patient H.L.'s care plan, and by falsifying patient records
26 to conceal from others that Patient H.L. was not receiving nursing care in accord with the care
27 plan.

28 h. As a second and separate grounds for a finding of gross negligence,

Respondent violated Penal Code section 368(b)(1) (crimes against elder or dependent adults) by acts described above, including but not limited to her failure to provide safety checks in accord with Patient H.L.'s care plan, and falsification of patient records to conceal from others that Patient H.L. was not receiving nursing care in accord with the care plan, endangering the health of the patient.

SECOND CAUSE FOR DISCIPLINE

(Violation of Nursing Practice Act)

12. Respondent is subject to disciplinary action under section 2761, subdivision (d), in that on or about May 9, 2004, and on or about May 10, 2004, Respondent violated section 2725, subdivision (b)(1), of the Nursing Practice Act when she failed to provide direct and indirect patient care services to ensure the safety, comfort, and protection of Patient H.L. by falsely documenting that she had performed physician ordered 15-minute safety checks on Patient H.L. .

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

13. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that on or about May 9, 2004, and on or about May 10, 2004, Respondent committed acts of unprofessional conduct as set forth above in paragraphs 11 and 12.

///

///

///

///

///

///

///

///

///

///


RECEIVED
NURSING BOARD
SEP 17 10:00 AM '04
REGISTERED

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 634585, issued to Cynthia Jean Stinson a.k.a. Cynthia Jean Caterson.
2. Ordering Cynthia Jean Stinson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/6/06


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant